

MAY 11 2009

ROBERT H. SHEMPELL, CLERK
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

RODNEY W. SCHAMERHORN

CIVIL ACTION NO. 01-914

versus

JUDGE TRIMBLE

U. S. DEPARTMENT OF THE ARMY, ET AL

MAGISTRATE JUDGE KAY

ORDER

Before the court is plaintiff's motion for reconsideration.¹ Plaintiff's motion bases its request for reconsideration on the theory that our grant of dismissal deprives the U.S. Court of Claims of the opportunity to exercise its own jurisdiction after assessment of the claims at issue.

A motion for reconsideration is not specifically recognized by the Federal Rules of Civil Procedure and is treated as a motion to alter or amend judgment under Rule 59(e). A motion to alter or amend must either demonstrate manifest error of law or fact or, alternatively, present newly discovered evidence or a change in law occurring after the issuance of the court's judgment.² A motion for reconsideration may not be used to advance arguments that have been, could have been or should have been raised prior to the court's issuance of judgment.³

The court has reviewed plaintiff's motion and supporting memorandum of law and finds

¹R. 37.

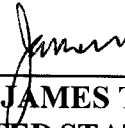
²Ross v. Marshall, 426 F.3d 745, 763 (5th Cir. 2005) (citing Simon v. United States, 891 F.2d 1154, 1159 (5th Cir. 1990)).

³Id.

that it demonstrates no manifest error of law or fact, presents no newly discovered evidence or change in law. To the contrary, it merely asks the court to reconsider arguments already advanced prior to the issuance of the judgment at issue. For these reasons, it is hereby

ORDERED that plaintiff's motion for reconsideration is **DENIED**.

THUS DONE AND SIGNED in chambers at Alexandria, Louisiana this 11th day of May.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE